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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,754	11/30/2001	Anthony J. Dezonno	83765	3717

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EXAMINER

LE, KAREN L

ART UNIT PAPER NUMBER

2642

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/997,754

Applicant(s)

DEZONNO ET AL.

Examiner

Karen L. Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

1. This action is in response to applicant's response filed on July 20, 2005. Claims 1-39 are now pending in the present application. **This action is made non-final.**

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scherer (U.S. 6,137,870) in view of Hansen II et al. (U. S. 6,940,962).

Regarding claims 1, 20, 29, 38 and 39, Scherer teaches in an automatic call distribution system (fig. 3B, item 166) adapted to connect a telephone call of a caller (Fig. 3A, item 130) to an agent station (fig. 3B, item 148) through a public switched telephone network (PSTN) (Fig. 3B, item 166), a method of repopulating call information identifiers received from the PSTN, the method and system comprising the steps of:

Receiving the incoming telephone call from the PSTN, transferring the incoming call to a voice response unit (VRU), requesting, by the VRU, transactional data from the

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caller, receiving, by the VRU, the requested transactional data, routing the transferred call to the agent station (Col. 12, lines 35-39 and lines 45-60),

overwriting at least a portion of the call information identifiers with transactional data corresponding to the caller, said transactional data defining repopulated data, transferring the incoming telephone call back to the automatic call distribution system from the VRU along with the repopulated data retained within the call information identifiers, routing the transferred call to the agent station, and displaying the repopulated data (col. 7, lines 24-60, Col. 8, lines 36-48).

Scherer does not teach transferring an incoming call back to automatic call distribution system from VRU using a hook-transfer type of operation. However, Hansen teaches transferring a call using a flash hook (Col. 1, line 63-Col. 2, line 1). Hansen teaches a system is configured by programming the telephone system to perform a transfer to ring a group of extensions that are connected to the voice mail system. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Hansen's flash hook feature into Scherer's system to transfer an incoming call back to automatic call distribution system from VRU using a hook-transfer type of operation. Transferring a call using a flash-hood is an old and traditional telephony method.

Regarding claim 2, Scherer further teaches the VRU (Fig. 3A, item 138) is separate from the automatic call distribution system (Fig. 3B, item 166).

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Regarding claim 3, Scherer further teaches the VRU communicates with the automatic call distribution system through the PSTN (Fig. 3B, Telephone switch 166).

Regarding claims 4, 21 and 30, Scherer further teaches a host processor (fig. 3A, item 152) operatively coupled to the VRU (Fig. 3A, item 138).

Regarding claims 5-7, Scherer further teaches a database operatively accessible by VRU that is interactive and programmable so that the transactional data requested of the caller is capable of being modified (Fig. 3B, item 150).

Regarding claims 8, 22 and 31, Scherer further teaches that VRU is interactive and requests the transactional data from the caller (Col. 21, lines 50-60).

Regarding claim 9, Scherer further teaches the caller provides the transactional data in response to the request by using a touch-tone keypad (Col. 21, lines 50-60).

Regarding claims 10, 12-15, 23 and 32, Scherer further teaches the transactional data is selected from the group consisting of account number, credit card number, social security number, name and address (Col. 26, lines 45-48 and Col. 8, lines 36-41).

Regarding claims 11, 24 and 33, Scherer further teaches the VRU is operatively coupled to a voice recognition system (Fig. 3, item 138 and Col. 21, lines 50-60).

Regarding claims 16, 25 and 34, Scherer further teaches the transactional data provided by the caller exceeds a storage capacity of the call information identifiers, the repopulated data is in the form of a customer record day corresponding the transactional data (Col. 7, lines 37-41).

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Regarding claims 17, 26 and 35, Scherer further teaches a host processor operatively coupled to the VRU, the host processor providing the VRU with the customer record key (Fig. 3A, item 138, 152).

Regarding claims 18, 27 and 36, Scherer further teaches a database accessible by the host processor (Fig. 3B, item 150).

Regarding claims 19, 28 and 37, Scherer further teaches the repopulated data in the form of the customer record key provided to the agent station permits the agent station to access customer data corresponding to the customer (Col. 25, lines 5-25 and Col. 13, lines 21-28).

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 21-30 have been considered but are moot in view of the new ground(s) of rejection.

As to Applicant's Remarks, Applicant argues that Scherer does not provide any mechanism for routing a call other than by modifying a dialed number. Examiner respectfully disagrees for the following reasons: Scherer does provide mechanism for routing a call such as switch control link between a switch and an IVR. A call processor can route the caller through to the agents (col. 21, lines 50-64). In addition, if a calling party is in need of speaking with another party other than the party who received the call, the caller's information may be transferred to the second call receiving party and neither the caller nor the first call receiving party will have to repeat the information (Col. 28, lines 23-33).

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### **Conclusion**

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen L. Le whose telephone number is 571-272-7487. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F. Matar can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Karen Le  
KLL  
September 30, 2005

  
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